



2020- A Housing Plan for Middletown's Urban Core

AMENDMENT TO THE 2010-2015 CONSOLIDATED PLAN

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Introduction

For the better part of 2009 and 2010, the Department of Planning, Conservation and Development ,with the input from the Design Review and Preservation Board and Citizens' Advisory Committee, has developed a new housing policy to guide downtown residential growth, to stabilize and foster economic growth after four decades of population and income decline in the downtown core.

During the 1990's and through the 2000's the City has implemented the Downtown Visions 2020 plan, a strategy to refill vacant storefronts, improve downtown infrastructure and address the worst of the worst housing stock in the downtown. The recent success of this strategy has been termed Middletown's "renaissance".

These efforts have paid off, but much needs to be done. Housing in the downtown continues to be an "Achilles heal". The goal of populating the upper stories of Main Street remains unfulfilled, and much of the downtown housing stock can still be defined as housing that caters to those that have no where else to go and often are taken advantage of by landlords that do little else than collect the rent.

The appropriate path forward is to build on our successes and the foundation that was established with the Downtown Visions 2020 plan. By building on the Downtown Visions plan this proposal seeks to implement 20 proposals to enhance or support residential development in the downtown.

Grants

- Establish a new Historic Preservation Residential Conversion Grants
- Create a pilot grant to showcase downtown residential

Tax Incentives

- Reform the existing tax abatement and tax deferment programs to reflect development needs.
- Re-establish and broaden the tax exemptions for energy improvements.

Parking

- Create a downtown resident parking permit program.
- Allow developers to bundle long-term leased parking spaces in City lots.

Zoning

- Approve zoning code changes to reflect what is expected from new downtown development.

Improvements in the Public Space

- Increase the number of street trees in the downtown by 1,881.
- Create a mechanism to capture resident know-how, input and efforts into revitalizing downtowns urban parks.
- Recently improved crosswalks to duplicate the brick transition area of the sidewalks were only installed south of Washington Street. This leaves Main Street north of Washington Street looking like it is not a part of the downtown.
- Bike racks have recently been placed various location downtown. The City should strive to have bike racks on every block.
- Benches- that discourage sleeping- should be considered for use in limited areas along Main Street.
- There are a number of very large no parking areas on Main Street, that should be reclaimed for pedestrians. It makes little sense to have a road where that can not be used by vehicles.
- Continue foot-patrols on Main Street by the Middletown Police Department
- Continue the Code Enforcement Taskforce to coordinate effective and comprehensive responses to violations that may affect public safety.
- Support the efforts of the Central Business District foster a health downtown business climate and inviting downtown events.
- Work with property owners who have a vacant storefront to ensure property remains attractive and possibly use vacant space for temporary art displays.
- Ensure that Universal Design, or something comparable, is the standard when designing public infrastructure, public spaces or public buildings.
- Continue to encourage and assist when organizations present proposal that want to plan a downtown public event.
- The City should promote the use of the sidewalk for art and performance by those strong Middletown institutions that can provide the insurance coverage hold the City harmless.

The Problem

This strategy is recognition that Middletown is a great City with many great neighborhoods and many great families living in them, but the downtown and surrounding neighborhoods, especially the North End and South End, have sections that are in decline.

This decline can be shown through median sales prices. In 2008, the median sales price for a single-family home was \$224,000. For the downtown and North End the median sales price was \$142,500, a full 36% less. In 2009, 3.1% of City residential properties were in some stage of foreclosure. For the downtown and North End this rate was 4.9%, the highest percentage in the city. There is also less residential investment attracted to the downtown.

The downtown area has saw its population remain stable from 1990 to 2000, but the median income for households dropped from \$22,473 (inflation adjusted) to \$13,699, or a 40% drop in purchasing power for the neighborhood. Contributing to this decline those strong families, buyers of choice, opted to leave and were replaced by those who had nowhere else to go.

These numbers are more than just a sign of the times, but a realization of all problems affecting the downtown and surrounding neighborhoods. The drastically lower median home price and higher ratio of foreclosures are indicators of a lack of confidence in the market. Owners conclude that any subsequent investment is over investment. The result is a pullback and denial of investments.

The challenge then is to overcome the three main obstacles that face downtown housing development: high construction costs, lower revenues (sales or rents) and risk aversion.

High costs

Undertaking a downtown development is much more complicated and costly than attempting a development two miles outside of the downtown on an undeveloped parcel of land. Comparing actual development over the past year on previously undeveloped parcels with downtown redevelopment to accomplish the same result, it was found development costs for a downtown project exceed \$300 per square foot compared to \$100 per square foot for a project on a undeveloped parcel.

Lower Revenue (sales or rents)

The problem of high costs would not be such significant issue if developers could generate revenues from development to justify those costs. Currently the sale prices for properties in the downtown are the lowest in the City, as noted above, and the downtown rents are also the lowest in the City. A two bedroom apartment might rent for \$1,500 in other section of the City will rent for less than \$1,000 in the downtown.

Risk Aversion

Developers are risk averse. The intent of a developer is to realize a return on their investment either through the sale or rent of the improved property. The problem facing the downtown is that structural problems of higher costs and lower revenues create greater risk, which ultimately dampens the willingness on the part of developers to undertake in projects in our downtown.

Developers and appraisers look for comparables to see if similar developments in similar locations were successful. In Middletown the only examples to refer to are highly subsidized government supported ventures of Wharfside Commons and North Village Condos. With the absence of subsidies even these would not have occurred.

The Solution

The following proposals below seek to build on the foundation of success that Middletown has worked hard to achieve over the past 15 years and to continue the momentum of the “renaissance”.

The goal of any program is to achieve a desired end result, but it also should be designed to make it easy if not automatic for beneficial projects to reach the end result.

The Solution- Grants

CDBG Historic Preservation Residential Rehabilitation Grants- The City of Middletown receives approximately \$400,000 each year in Community Development Block Grant funds. In years 3 through 5 of the current 5 year plan, the City should allocate \$295,000 in grants to help foster multi-unit housing revitalization in the downtown.

The grants will be made available to reduce costs that are unique to downtown development. Many buildings in Middletown’s downtown are nearly 100 years old and have issues related to accessibility for those with disabilities, contain hazardous materials such as lead and asbestos, have additional costs to maintain their historic integrity and general have more rehabilitation challenges.

The funds will be made available in grants up to \$50,000, based on the priorities and requirements.

1. ADA access, such as elevators to make upper stories accessible- Requires a \$1 to \$1 match with 51% OR at least 25% of the units must be affordable depending on project.
§570.202- ADA Accessibility
§570.208(a)(3)- 51% of units affordable OR
§570.208(a)(3)(i)- 25% of units affordable
2. Hazardous materials testing and abatement in vacant units- Requires a \$1 to \$1 match with and each unit abated must be affordable.
§570.202- Hazardous materials testing and abatement
§570.208(a)(3)- 51% of units affordable
3. Rehabilitation- Requires a \$4 to \$1 match with at least 25% of the units must be affordable.
§570.202- Multi-unit Residential
§570.208(a)(3)(i)- 25% of units affordable
4. Historic Preservation- Requires a \$4 to \$1 match with at least 25% of the units must be affordable.
§570.202(d)- Residential Historic Preservation
§570.208(a)(3)(i)- 25% of units affordable

Downtown Residential Renaissance Pilot Grant- In order to ensure a mixed income downtown, the City will need to address the lack of comparable developments that are used by private financing to gauge the feasibility of a venture.

The downtown market is dominated by affordable housing, 63% of the units that are subsidized or restricted affordable and while this can be beneficial it also has unintended consequences. The comparisons private developers use are artificially low. However there are no market rate comparisons to justify anything higher than U.S. Department of Housing and Urban Development (HUD) fair rents of \$1,113 for a two bedroom. Fair market rent is used the Housing and Urban Development to determine how much of the rent is covered by the government for those tenants who are part of Section 8, and other government programs that piggy-back this statistic.

However, other sections of Middletown have apartments commanding \$1,800 for two bedrooms. This results in projected revenue being 38% less than other areas of Middletown where rents reflect what the market is willing to pay, rather than what is expected to be affordable for a certain income.

These components, fair rents and market prices, are out of balance. In order to allow for a downtown residential market to succeed on its own without significant government intervention in the future, be it tax credits, grants, vouchers or guaranteed rents, the City needs to assist in bridging the gap between costs and revenue to allow for a market rate development be established. Once established this pilot project would then assist by being a comparable comparison when appraisers and financing institutions evaluate what the market will bear.

Furthermore, the downtown is caught in the predicament of having high project costs and low revenue opportunity. As noted above, downtown development costs can run three times similar projects undertaken outside of the downtown.

Therefore to explore the impact of these market distortions, the Department of Planning, Conservation and Development looked at the under-utilized Bob's Buildings, 339 Main Street. To determine what the gap is that exists between creating a balance between costs and revenues, we believe the 339 Main Street building is an ideal example of the problems facing the downtown development.

This building was purchased by an investor at the height of the market in 2006 for \$925,000. The City Tax Appraiser had the property assessed at \$931,000 in 2007. Since then the market has dropped 10%. The owner has offered to sell the property for \$1.3 million but it is likely valued at \$838,000. This negative equity situation causes investors to not invest in a property, because if the project is not successful, it turns a small negative equity position into large negative equity situation. As can be seen by the current circumstance of the building, very little has been undertaken to improve the building's value or productivity. This situation only further hinders the ability of neighboring buildings to benefit from investment.

The City of Middletown had an architect go through the building to see what was feasible for residential layout and estimated costs. The City estimates that rehabbing the upper two floors at \$3.9 million. This could potentially create 9 residential units and using the first floor for restaurant, entertainment or retail. However, realistically revenues for the property can only support a total project cost of \$3.3 million. This leaves a \$600,000 shortfall.

Creating a pilot grant for the Bob's building or a building of equal impact, should be given serious thought. The City should not however, make the pilot grant available with out conditions. The City should make the pilot grant through a competitive process to the project that includes a significant residential component of no less

than 17,000 square feet and it must allow for at least 7,000 square feet of other non residential uses.

Having this building as a flagship for what market rate housing in Middletown can be would have a significant impact on the downtown and its future. It would bring life back to a building that has been virtually empty for almost a decade. It would provide other developers a comparison with which to determine if other downtown residential developments are feasible. Finally, it would help repopulate the downtown.

The Solution- Tax Incentives

The City has a variety of existing tax incentives for help projects and many are geared to assist downtown residential development. There is no need to develop new programs, but these existing abatement programs are not being used. Therefore modest changes can be helpful to support the goal of increasing downtown investment especially in downtown housing.

Tax Abatements and Tax Deferments- The City has an existing tax abatement program and two tax deferment programs that can help foster housing in the downtown. These are the Low and Moderate Income Housing tax abatement, Enterprise Zone Tax deferment and CBD Tax Deferment. These programs are seldom used. Five changes that would be helpful are an automatic trigger, mixed-use flexibility, benefit flexibility and sunset provision.

Automatic Trigger-

Creating an automatic trigger that would make a project eligible rather than the existing application process. Projects that create improvements equal to 250% of the value of the property

Mixed-income Requirement- While the City is interested in repopulating its downtown, the City is not interested in creating a district that is segregated by income due to government intervention. Government intervention should be used to create housing choice and enhance the viability of a neighborhood. Projects should encourage mixed incomes. Approved or eligible projects should reflect a mixed income approach that is allowed by state and federal regulation and funding sources.

Mixed-use Flexibility- The downtown is populated with many buildings that have mixed-uses within them. This creates the likelihood that it would be financially unsound to rehab or do improvements on the entire building. Rather a portion of the building, such as one floor, could be improved for residential without the need to improve the entire property. An abatement that could be applied just to the portion of the building that was improved would be of interest to the developers.

Benefit Flexibility- Currently all tax incentive work by having future tax liability decreased over a period of time. The concept works well when the developer and the owner of the developed property are one and the same. However, this model does not work well for projects that have a different end user than the developer. For example transferring a tax benefit to a condo owner might be helpful when marketing condos for sales. However, passing

along a tax abatement to a future owner does not help reduce the costs of the development. Developing a mechanism to monetize the benefit to help the developer would also be helpful. For example, if the developer was not to transfer the tax abatement, but rather realize the benefit as a cash payment from the City equal to a percentage of the benefit, such as 75%, either as a lump-sum or in annual installments. This could help address the significant cost difference between downtown and undeveloped parcel project costs.

Sunset Provision- Proposed changes should be accompanied by a sunset date, to create scarcity and the idea that if developers don't take advantage of these benefits, they could be shut-out. The hope is that enough projects will be done to create a viable downtown housing market, that subsequent developments are market driven and not government driven. The proposed timeframe for these benefits to be active would be ten years, requiring that projects secure a building permit before the ten year window expires.

Tax abatement on low- and moderate-income housing. The ordinance should be amended to help deconcentrate the density of existing affordable housing. With the downtown, there should be a mixed housing component. The downtown should provide housing choice.

Low and Moderate Income Tax Abatement- Housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sale prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits.

In the last decade this tax abatement program has been used once.

Central Business District Deferred increased assessment In April 1990 the City adopted the North End Central Business District Urban Renewal Plan to encourage revitalization of this area. In 1991, the Council adopted a deferred increased assessment benefit for any approved project with the consent of the Design Review and Preservation Board, Redevelopment Agency, and Common Council, could then receive a deferment from the increase in taxable value of the property. The property owner would see no increase in property taxes within the first two years after the improvements are completed and then the tax increase is phased in over the next ten years.

In the last decade this deferment has not been used. Part of the process is it requires consent from three different political bodies and the benefit realized is modest especially for small-sized project.

Enterprise Zone- All real property in the enterprise zone which is improved in a manner which causes its assessment to be increased during the period when such area is designated as an enterprise zone shall have its real estate assessment fixed. Such fixed assessments shall apply only to existing buildings and shall not apply to new construction.

While the Enterprise Zone is focused on jobs, it does allow residential projects to receive a deferred tax benefit. Moreover the residential benefit is not restricted to

low and moderate income housing. Projects that go up to 200% area median income, which is \$122,180 as of 2009, are eligible.

In the last decade this deferment has only been used once with Forbidden City.

Tax Exemptions- The City has four tax exemption programs, all of which address improvements for solar energy. It makes sense to exempt these improvements for a period of time, since these systems are more expensive than traditional heating and cooling systems, but would result in lower operating costs for a property. All of these ordinances had a sunset date of October 1, 2006. It would be a possible benefit to reestablish these ordinances with a new sunset date along the lines of what is proposed. These exemptions were adopted in the 1970s when solar heating, cooling and electricity generating systems seemed to be the solution of the oil shocks of that decade. Today these technologies, financially, are not the solution to our energy needs, but can play a role in revitalizing the downtown, by bring down operate costs, associated with the higher development costs. Moreover, solar is no longer the only alternative to traditional heating and cooling. Geo-thermal, fuel-cell and windpower options should also be included in the ordinance. These benefits should also be restricted to the downtown.

Exemption for active solar energy heating or cooling systems

Exemption for solar energy electricity generating systems.

Exemption for passive or hybrid solar energy systems.

Exemption for solar energy electricity generating systems and cogeneration systems.

The Solution- Other Efforts to Support Urban Living

The City of Middletown needs to be not only creative with the use of its tax incentives and grants, but also with other direct and indirect efforts to help support the repopulation of the downtown and assure a high quality of life.

Parking- For any residential development the question will be where are the cars going to park. Developers will know that they are unable to market units to the broadest clientele possible if they have to state that a \$140,000 condo will have no parking. Buyers can buy a condo for the same price elsewhere in Middletown with dedicated parking.



The parking question will always be a significant hindrance for downtown development because the majority of people will be looking for a reliable and safe place to park their primary mode of transportation.

This issue can be mitigated somewhat by developing a resident permit program and to develop a long-term parking space lease a municipal lots.

A residential permit program would help give residents greater certainty that they will have on-street parking for their cars on the street they live or within close proximity. Such a program would likely give residents the ability to purchase a parking permit to parking in certain locations during the day and night without the

fear of being ticketed, and knowing that those without permits will not be able to park in those areas. This may help alleviate some downtown parking supply problems that exist in the North End.

Another option would be the potential for a developer or a homeowner to purchase a long-term lease to park in a City lot. A developer could incorporate such an amenity into the sale of a downtown condo. Knowing where prospective buyer can expect to park may help make downtown living more appealing. With the improvements that the Parking Department has recently made, these lots are more appealing for their safety and supply management.

These options should also be create automatic reduction or satisfy the parking requirements that are stated in Section 40 of the Zoning Code within a designated downtown area.

Along with the adoption of any changes to Middletown tax incentives or grant programs, the City should adopt policies to making parking for a downtown residential population more reliable than it is today.

Promoting Urban Living- The City or DBD should create a marketing amenities package to offer along with developers of new or renovated units downtown. Once For \$66,000, a possible package could include:

- 1 year of parking in City lots (\$540 per year x 50 = \$13,500)
- 1 year of a membership at the Northern Middlesex YMCA (\$480 per year x 50= \$12,000)
- 4 shows at local arts venues, such as Oddfellows Playhouse and Welseyan Center for the Arts (\$100 x 50= \$2,500), and
- A \$200 DBD gift certificate that can be redeemed at DBD member establishments (\$200 x 50= \$5,000).

Detached Accessory Dwelling Units- If a residential permit program is implemented the Planning and Zoning Commission should consider allowing detached accessory dwelling units within the boundaries of the parking district. An amendment to the Zoning Code should include the following restrictions:

- Single Family dwellings that are owner occupied are allowed to have one detached accessory unit. The property with an accessory dwelling unit will still be considered a single-family property.
- The property must be owner occupied. If the property is no longer owner occupied, the features that make it a dwelling unit will be removed. Part of the approval should require the restrictions to file on with the land record.
- The lot area can not be less than 5,000 sqft.
- The accessory dwelling must be in the rear yard, and can not cover more than 35% of the area from the rear of the principal dwelling to the rear property line.
- The footprint of the accessory dwelling can not exceed 400 sqft.
- The gross floor area of the accessory dwelling can not exceed 800 sqft.
- The height of the accessory dwelling unit can not exceed the height of the principal structure.
- Provide enough on-site parking for the principal structure and accessory structure.
- The proposed accessory dwelling unit must be reviewed and approved by the Design Review and Preservation Board.

The benefit of such a policy, is to increase homeownership in the downtown, without having to own a multi-family dwelling. It is also a low-cost way to increase downtown residential units and creating new up to date units.

Public Spaces and Public Streetscape- As more people live downtown the public spaces become more important. The aesthetic quality, accessibility, activity and public safety of these spaces and how they relate to new development will be as significant in attracting new investment and maintain Middletown's renaissance.

Design Quality and Compatibility- The City of Middletown has developed design guidelines to assist in raising the standard of development in the downtown. These guidelines have been useful in articulating what the City expects from developers and has helped developers bring certainty to the permitting process. The guidelines have been in place for a decade and the Design Review and Preservation Board has recent conducted a visual preference study and mini-charette to develop a potential development for the downtown and what it could look like.



The results have been positive and give support to translating some of the design guidelines and results from the recent studies in to zoning regulations.

The following zoning Code changes should be presented and considered by the Planning and Zoning Commission:

1. Increase the minimum height requirement to 2 and ½ stories, with a prohibition on a flat roof line along Main Street.
2. First-floor story shall have a minimum 66% of the façade facing the street having transparent windows and doors.
3. Upper stories shall have a minimum of 50% of the façade facing the street having transparent windows.
4. Any building with a façade on Main Street shall have an entrance on Main Street.
5. Within the proposed residential parking overlay zone, there requirements of section 40 of the Zoning Code are waived as of right if parking is provided through a residential permit or long-term lease at a City lot.
6. Residential is a permitted right in the downtown, listed as an urban core living unit. However this use is lumped in with three other uses, which seems to suggest only elderly or handicapped housing uses. *"Housing for the elderly or handicapped within 1,000 feet of public transportation and shopping; single family dwelling detached; two family dwelling Urban Core Living Units. (Amended 7/15/85) ZONES: B1, TD*"* Clarifying section

61.01.22B, could also help to ease any regulatory uneasiness that developers might have in reading such a regulation.

7. The Zoning code mentions a Redevelopment Plan number 105, and requires the application of parking standards to projects proposed in this area. Many of the projects developed under this Redevelopment plan had a 40 year deed restriction. These development restrictions are lapsing for many of these developments, since they were constructed in the late 1960s and early 1970s. The parking requirements are more in keeping with suburban strip development and are not compatible with downtown urban development. The footnote should be replaced with an amendment treating the B1 zone uniformly with respects to parking any reduction or relief to the parking standards.
8. The Zoning Code should require special exception approval to demolishing a building and/or replacing it with a structure that is lower in height than the original building.
9. The Zoning Code should require a special exception approval for the demolition of a property listed on the State or Federal historic register.

Street Trees- Trees are a critical component of the city. Research indicates that healthy trees can lessen impacts associated with the built environment by reducing stormwater runoff, energy consumption, heat island effect and air pollutants. Trees improve urban life, making Downtown a more enjoyable place to live, work, and play, while mitigating the city's environmental impact.



Within Census tracts 5411, 5415, 5416, 5417 there are 1,687 street trees along 133,312 feet of downtown streets.

These trees are more than just aesthetic decoration. Street trees provide a public service, just like plowing roads or picking up trash. Trees reduce heat island effect, provide shade, and collect storm water.

It is estimated that just the trees located in the City right of way along City streets provides the following benefits:

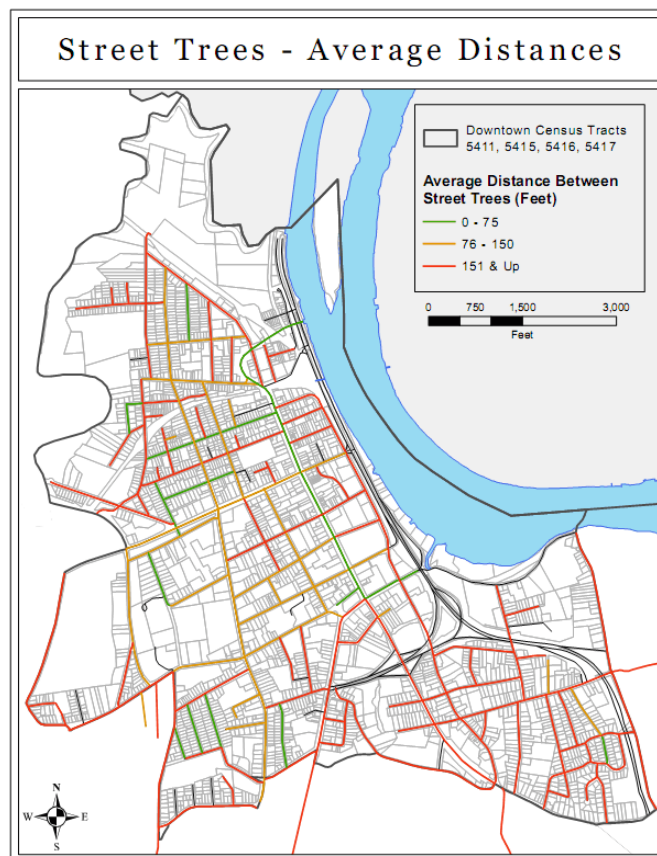
- A large, healthy tree removes almost 70 times more air pollution each year than a small or newly planted tree.
- Each tree on average reduces stormwater runoff by 171 gallons per year. In total Middletown's urban street trees reduce runoff by 286,083 gallons.
- Each tree removes an average of 13 pounds of pollutants each year. Existing street trees are currently removing 21,749 pounds of pollutants.
- Annual energy cost reduction through cooling and mitigating the heat island effect of urban environments is \$47.83 per tree or \$79,685 in energy savings for downtown residences and businesses.

- The average replacement value of each tree is \$3,938. The total value of downtown's street trees is \$6.5 million.
- Well-maintained trees increase the "curb appeal" of properties. Research comparing sales prices of residential properties with different numbers and sizes of trees suggests that people are willing to pay 3-7% more for properties with ample trees versus few or no trees.

This is valuable asset that deserves the City's attention and respect. Middletown has been committed over the years to restoring Middletown's fame as the Forest City.

Aside from maintaining a replacing existing trees there are a number of streets that would benefit from tree infill. Ideally there should be a street tree every 50 feet. In order to meet this standard there should be an additional 1,881 street trees planted in the downtown. Achieving this would more than double the benefits cited above.

Street where the City does not have or have very few trees are at a disadvantage in the market place. Looking at these locations there is evidence that it be a benefit to the housing market if the City corrected these deficiencies



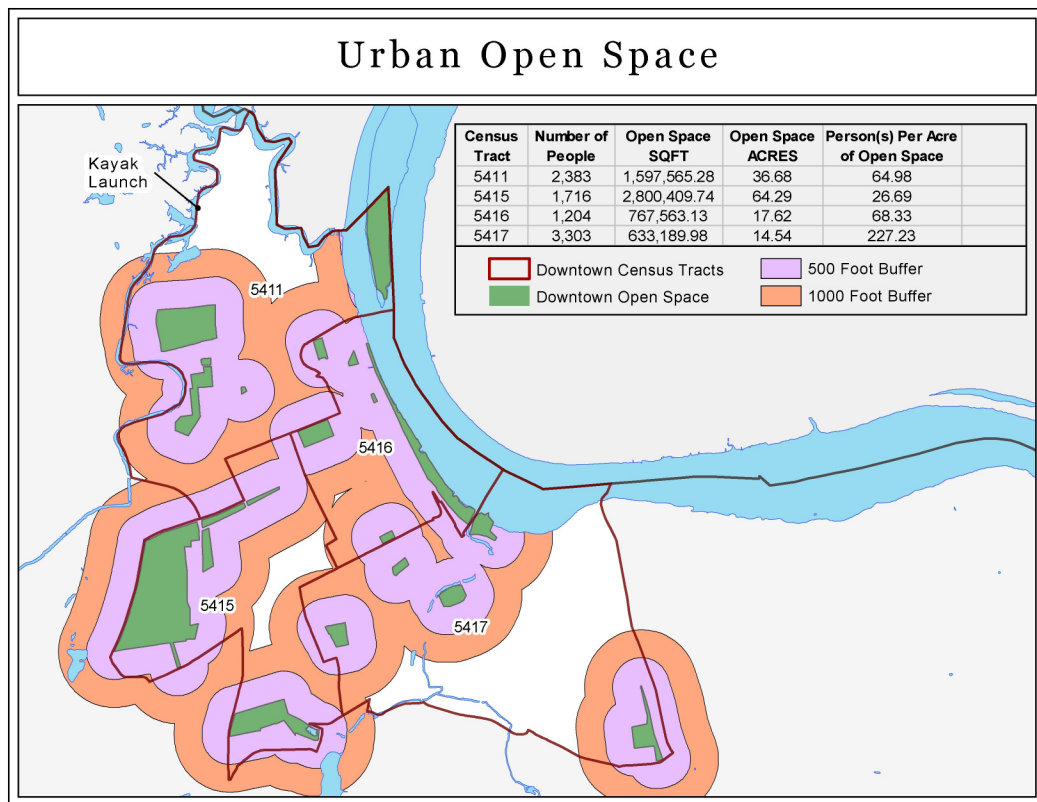
The City along with the Urban Forestry Commission and the City Arborists should look at how to use existing annual resources to help plant these 1,881 new trees in the Downtown. This might also be an opportunity for community involvement though tree purchases in memory of a loved one.

Urban Parks- Parks have long been recognized as major contributors to the physical and aesthetic quality of urban neighborhoods. High-quality parks also spur economic development by attracting homebuyers and boosting residential property values by as much as 15 percent, meaning greater wealth for residents and increased revenues for cities.

Urban parks also provide many of the same benefits cited above for street trees.

Middletown's urban parks have been used as opportunities to also bring communities together to foster their betterment. For example, McCarthy Park, the gazebo on the South Green and Erin Street Community Garden are two success stories of which, with the assistance of minimal City resources, two community assets have been improved through the hardwork and planning of neighborhood residents.

The City does a good job of maintenance of its urban parks, however a successful park is one where the neighborhood takes ownership. The City should explore ways to encourage this ownership of these valuable and unique spaces in our community.



Crosswalks, Sidewalks and Street Furniture- In 1998 the North End Yale Report concisely describes the need downtown to be inviting aesthetically and consistent visually.

"Downtown Middletown has a long history. Different developments over time have created a street with widely varying architectural characteristics, a large collection of different signs and information, and an environment that caters sometimes to cars. As a result, Middletown- like many other small cities of today- is breaking down, creating at times an unfriendly, confusing environment that discourages people to live, work, or shop there."

"As Middletown's strongest and most vital asset, efforts must be made to unify and enforce Main Street as a whole."

Middletown has managed to implement many of the improvements to Main Street described in the 1998 report- improved antique style street lights, brick paver sidewalks, and street trees.

However, as noted in 1998 there are still areas of inconsistent that need to be addressed.

- Recently improved crosswalks to duplicate the brick transition area of the sidewalks were only installed south of Washington Street. This leaves Main Street north of Washington Street looking like it is not a part of the downtown.
- Bike racks have recently been placed various location downtown. The City should strive to have bike racks on every block.
- Benches- that discourage sleeping- should be considered for use in limited areas along Main Street.
- There are a number of very large no parking areas on Main Street, that should be reclaimed for pedestrians. It makes little sense to have a road where that can not be used by vehicles. For example, the area in front of 366 Main Street (Main Street Market) and

Public Safety and Security- Measures must be taken to ensure that Main Street is a safe and friendly. Physical improvements, events, and activities should be initiated for the entire Main Street to strengthen the unity of the entire street and encourage more pedestrians.

Middletown has been successful in reducing crime in the downtown significantly over the last two decades. Unfortunately, some areas of downtown still carry the perception of being unsafe. The City should continue to counter these perceptions and continue to foster development, activities and efforts to create the safe and friendly downtown that will attract people.

- Continue foot-patrols on Main Street by the Middletown Police Department
- Continue the Code Enforcement Taskforce to coordinate effective and comprehensive responses to violations that may affect public safety.
- Support the efforts of the Central Business District foster a health downtown business climate and inviting downtown events.
- Work with property owners who have a vacant storefront to ensure property remains attractive and possibly use vacant space for temporary art displays.

Universal Design- As Middletown's population ages, the downtown should be as accessible as possible, especially for those that have mobility needs, impaired vision or impaired hearing. On way the City could insure that the

downtown is accessible, especially since many essential services exist downtown, is to ensure that Universal Design, or something comparable, is the standard when designing public infrastructure, public spaces or public buildings.

Universal design refers to broad-spectrum architectural planning ideas meant to produce buildings, products and environments that are inherently accessible to both the non-disabled and people with disabilities. The Center for Universal Design at North Carolina State University expounds the following principles: 1.Equitable use; 2.Flexibility in use; 3.Simple and intuitive; 4.Perceptible information; 5.Tolerance for error; 6.Low physical effort; and, 7.Size and space for approach and use.

Examples of universal design include:

1. Smooth, ground level, entrances without stairs
2. Surface textures that required low force to traverse on level, less than 5 pounds force per 120 pounds rolling force
3. Surface that are stable, firm and with slip resistant per ASTM 2047
4. Wide interior doors, hallways, and alcoves with 60" x 60" turning space at doors and deadends
5. Functional clearances to approach and use elements and components
6. Lever handles for opening doors rather than twisting knobs
7. Single hand operation with closed fist for operable components including fire alarm pull stations
8. Components that do not require tight grasping pinching or twisting of the wrist
9. Components that require less than 5 pounds of force to operate
10. Light switches with large flat panels rather than small toggle switches
11. Buttons and other controls that can be distinguished by touch
12. Bright and appropriate lighting, particularly task lighting
13. Auditory output redundant with information on visual displays
14. Visual output redundant with information in auditory output
15. Contrast controls on visual output
16. Use of meaningful icons with text labels
17. Clear lines of sight to reduce dependence on sound
18. Volume controls on auditory output
19. Speed controls on auditory output
20. Choice of language on speech output
21. Ramp access in swimming pools
22. Closed captioning on television networks
23. Signs with light on dark visual contrast

Public Events and Spontaneous Public Space Programming- An active, interesting vibrant downtown will help attract people downtown. The City already encourages or support downtown public events. There are at least four major events: Middletown 5K road race, Car Cruise, Motorcycle Mania and Holiday on Main. There are also other smaller events that take place on the south green during the summer. Farmer's Markets also take place weekly on the South Green and in the North End. The City also stages parades on Main Street for Memorial Day, Fourth of July, and Veterans Day.

Ideally, programming more events would benefit the downtown. A place that attracts people is generally safer and inviting than a place that does not.



The City however does not have the resources to undertake these efforts and is heavily dependent on other organizations to coordinate these undertakings. Therefore we need to continue to encourage and assist when organizations present proposals that want to plan a downtown public event.

Middletown is fortunate to have a wide Main Street with a wide sidewalk. This wide sidewalk has helped foster our restaurant reputation. The sidewalk dining brings activity to the public space and creates an inviting atmosphere. This sidewalk dining success was part of a deliberate strategy, succinctly described by the planning director William Warner as “deregulated” the sidewalk.



The City should continue this “deregulated” idea to allowing sidewalk theater performances, sidewalk music or sidewalk art displays. Middletown has strong arts institutions, but too often they are confined to the physical space they occupy. The City should promote the use of the sidewalk for art and performance by those strong Middletown institutions that can provide the insurance coverage hold the City harmless. This would be a similar

arrangement the City has with downtown restaurants. City departments should review the various challenges to establishing a sidewalk arts policy and what guidelines would need to be developed to ensure that interested groups understand what would be expected of them.

Organizations that would likely qualify and benefit from this “deregulations” would be Wesleyan University, Oddfellows Playhouse, Buttonwood Tree, Green Street Arts Center, Wesleyan Potters, and Artfarm and various churches.

Action Plan

In order to implement and accomplish this proposal to promote downtown housing, there needs to be a plan of action. This section does that in checklist fashion, what the steps are to implementation.

CDBG Grants

1. Present to Citizens' Advisory Committee
2. Present to Common Council for adoption
3. Hold public hearing for inclusion in Five Year Consolidated Plan

Downtown Residential Renaissance Pilot Grant

1. Present to Economic Development Committee
2. Present to Common Council for adoption
3. Hold RFQ/RFP
4. Present proposals to Economic Development Committee

Tax Incentives

1. Write draft amended for relevant Tax Ordinances
2. Present to Economic Development Committee
3. Submit to Ordinance Review Committee
4. Present to Common Council

Tax Exemptions

1. Write draft amended for relevant Tax Ordinances
2. Present to Economic Development Committee
3. Submit to Ordinance Review Committee
4. Present to Common Council

Parking

1. Seek input from the Parking Director on proposals
2. Review other communities' policies.
3. Develop a policy that would work for Middletown.
4. Present proposal to Parking Commission.
- 5.

Design Quality and Compatibility

1. Write draft Zoning Code text amendment
2. Present Zoning Code text amendment to Planning and Zoning Commission for adoption.

Street Trees

1. Review existing resources available to help achieve goal.
2. Present proposal to Urban Forestry Commission and Public Works Commission.
3. Determine requirements to allowing public to provide donations for memorial trees.

Urban Parks

1. Conduct an inventory of downtown parks.
2. Conduct a survey of residents within 500 feet of each downtown city park to see what improvements would be appreciated.
3. Develop a plan for specific improvements for each park.

4. Present proposals for each park to the Parks and Recreation Department
5. Apply for CDBG grants and other grant opportunities to implement improvements

Crosswalks, Sidewalks and Street Furniture-

1. Review proposed scheduled improvement for the downtown with Public Works.
2. Establish the standard for crosswalks, sidewalks and street furniture.
3. Present approved standard to Public Works Commission.
4. Include approve

Public Safety and Security

Universal Design

1. Review existing standards used for public projects with Public Works.
2. Review all proposed

Public Events and Spontaneous Public Space Programming

1. Meet with appropriate departments to review feasibility for a policy on sidewalk performance and arts activities.
2. Develop guidelines for how a sidewalk performance and art policy would work.
3. Seek in put from the Central Business District, Wesleyan University, Oddfellows Playhouse, Buttonwood Tree, Green Street Arts Center, Wesleyan Potters, and Artfarm and various churches.
4. Revised policy and present policy to interested parties.

Priority- High

Geographical Target- Downtown and Surrounding Neighborhoods

Targeted Population- Low and Moderate Home-owners and renters

Goal- TBD

Programmatic Benchmark LN1A- TBD

Provider: City

HUD Regulation:

Advisory CDBG Funding Levels

	Public Service	Slum/ Blight	Public Facility	Econ. Dev.	Housing	Planning/ Admin
Year 1-					\$0	
Year 2-					\$0	
Year 3-					\$100,000	
Year 4-					\$100,000	
Year 5-					\$95,000	
Total-					\$295,000	

Estimated Output

	People	Households	Jobs	Public Facilities
Year 1-		0		
Year 2-		0		
Year 3-		0		
Year 4-		3		
Year 5-		3		
Total-		6		

Possible Additional Funding Opportunities From Private and Public Sources

CHAPTER 150. ENTERPRISE ZONE

[HISTORY: Adopted by the Common Council of the City of Middletown 12-45-1994. Amendments noted where applicable.]

§ 150-1. Establishment; boundaries; targeted investment community.

A. In accordance with the provisions of C.G.S. § 32-70, as amended, the Downtown CBD/North End Area of the City of Middletown is hereby designated as an enterprise zone. The boundaries of said enterprise zone shall be as follows: The border between the City of Middletown and Town of Portland in the CT River on the east; the City Tire property and Union Street on the south; Main Street from Union Street northerly to Court Street, and thence continuing northerly along boundaries coterminous with the North End CBD Urban Renewal Area and Housing Development Zone to the Arrigoni Bridge on the west; and properties abutting Rte. 66 in the North End Industrial Area, including the railroad property, and excluding any properties on Miller and Bridge Streets on the north.

B. The official document delineating the enterprise zone boundary is the map (one inch equals 200 feet) produced by the City of Middletown, dated December 1, 1994, and signed by the Commissioner of the Connecticut Department of Economic Development on December 2, 1994.

C. The creation of an enterprise zone in Middletown makes the City a targeted investment community. The Commissioner of the Connecticut Department of Economic Development may extend certain enterprise zone benefits, including the property tax abatement described in § 150-2 below, to qualifying firms in the targeted investment community, at the request of the Mayor, in accordance with the recommendation of the Economic Development Committee and Common Council of the City of Middletown.

§ 150-2. Benefits.

The designation of the enterprise zone in these areas shall entitle qualifying firms to a five-year, eighty-percent abatement of property taxes as provided under C.G.S. § 12-81(59) and (60) and grants for jobs created. For the purpose of this chapter, qualifying firms are described in the regulations of the State of Connecticut, Department of Economic Development, Enterprise Zone Program.

§ 150-3. Residential and nonmanufacturing facilities.

A. All real property in the enterprise zone which is improved in a manner which causes its assessment to be increased during the period when such area is designated as an enterprise zone shall have its real estate assessment fixed. Such fixed assessments shall apply only to existing buildings and shall not apply to new construction.

(1) Additionally, such fixed assessment shall be for a period of seven years from the time of such improvement and shall defer any increase in assessment attributable to such improvement, in accordance with the following schedule:

Year	Percentage of Increase Deferred
First	100%
Second	100%
Third	50%
Fourth	40%
Fifth	30%

Sixth	20%
Seventh	10%

(2) The cost of this fixed assessment is not reimbursed by the State of Connecticut.

B. In the event of a general revaluation by the City of Middletown in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement shall be temporarily abated. In the event of a general revaluation in any year after the year in which such improvement is completed, such abated assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.

C. Any fixed assessment on any residential property shall cease if for any such property any dwelling unit in such property is rented to any person whose income exceeds 200% of the median family income of the City of Middletown or, for any conversion condominium declared after the designation of the enterprise zone, any unit is sold to any person whose income exceeds 200% of the median family income of the City of Middletown.

D. No improvements of any real property which qualifies as a manufacturing facility under the provisions of C.G.S. § 32-9p(d) and § 150-2 of this chapter shall be eligible for the benefits under this section.

E. No property shall be eligible for benefits under this section if it already has a deferred increased assessment authorized under § 272-7 or 272-9 of the Middletown Code of Ordinances.

§ 150-4. Enterprise Zone Advisory Committee.

A. An Enterprise Zone Advisory Committee (EZAC) shall be established to formulate policy for the promotion and development of the zone, coordinate economic development programs in the zone with related job training and recruitment and social services programs, and adopt an enterprise zone revitalization plan. The plan shall specify goals and objectives for the enterprise zone, describe strategies to attain such goals and establish an implementation schedule. The Enterprise Zone Advisory Committee shall submit its plan to the Economic Development Committee, the Common Council and to the Commissioner of the Connecticut Department of Economic Development for review and comment.

B. The Enterprise Zone Advisory Committee shall consist of the following City officials and community representatives:

(1) The Economic Development Director in Middletown; the Mayor or his/her designee; a representative of the Common Council who has been appointed by said Council; the Chief of Police or his/her designee; the Executive Director of the Middletown Housing Authority or his/her designee; and a representative of the Middletown Board of Education, appointed by said Board;

(2) A representative of Middlesex Community Technical College, appointed by its President;

(3) Two representatives of the Middletown business community, one of whom shall be a member of the Middlesex County Chamber of Commerce;

(4) Two persons who own businesses located in the enterprise zone; and

(5) Two representatives of neighborhood community organizations serving the area in which the enterprise zone is located, or two residents of the enterprise zone.

C. The members described in Subsection B(3), (4) and (5) of this section shall be appointed by the Mayor and approved by the Common Council. Furthermore, said members shall serve for a term of five years.

§ 150-5. Report.

A. The Middletown Economic Development Director shall prepare a report every six months detailing the number of projects which occurred in the enterprise zone (and outside the zone under the targeted investment community), the type of project (manufacturing, residential, retail, commercial), the number of existing and new jobs retained or created, the number of such jobs held by residents of the zone or Job Training Partnership Act (JTPA) eligible residents of Middletown, the number of square feet impacted, the amount of new investment generated, and the gross and net impact on the grand list and tax collections.

B. The report shall also serve as a means to monitor any changes in occupancy, use or ownership in facilities and firms which have been granted benefits. The report shall be submitted to the Mayor, the Enterprise Zone Advisory Committee, the Economic Development Committee, the Common Council and the Commissioner of the Connecticut Department of Economic Development.

§ 272-1. Tax abatement on low- and moderate-income housing.
[Amended 10-2-1978]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

LOW- AND MODERATE-INCOME HOUSING

Housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sale prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits.

OWNER

A person or persons, partnership, joint venture or corporation who or which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency, either federal, state or local, which limits occupancy of the low- and moderate-income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose incomes do not exceed prescribed limits.

B. Contracts for abatement.

(1) The Mayor may enter into contracts for the City with owners of low- and moderate-income housing granting abatement, in whole or in part, of the taxes on the real estate used for such low- and moderate-income housing.

(2) The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied. Each such contract shall require that the owner apply the money equivalent of the taxes so abated to one or more of the following specified purposes:

(a) To reduce rents below the levels which would be achieved in the absence of abatement;

(b) To improve housing quality and design;

(c) To effect occupancy by persons and families of varying income levels, within prescribed limits; or

(d) To provide necessary related facilities or services.

C. Effective date; duration of abatement. The abatement shall become effective on the date specified in the contract between the City and an owner of low- and moderate-income housing. The term of abatement shall extend for the remainder of the fiscal year in which abatement becomes effective and may continue for a period not to exceed 39 consecutive fiscal years thereafter, provided that such abatement shall terminate at any time when the property for which tax abatement had been granted is not used solely for low- and moderate-income housing, and provided further that the continuation of such abatement may be conditioned upon the continuation of state reimbursement to the City for such abatement. The abatement authorized herein shall be granted only for low- and moderate-income housing upon which construction or rehabilitation commenced after July 1, 1967.

D. State assistance. The Mayor shall, with the approval of the Common Council, execute on behalf of the City contracts with the state for financial assistance by the state in the form of reimbursement for the tax abatement granted to an owner of low- and moderate-income housing in accordance with this section.

§ 272-2. Exemption for active solar energy heating or cooling systems.
[Amended 10-2-1978; 9-7-1982 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).]

A. A tax exemption is hereby authorized for any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 2006, which is equipped with an active solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, and before October 1, 2006, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided this exemption shall only apply to the first 15 assessment years following the construction of such building or addition of any such system to a building.

B. As used in this section, the following terms shall have the meanings indicated:

ACTIVE SOLAR ENERGY HEATING OR COOLING SYSTEM

Equipment which:

(1) Provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity;

(2) Employs mechanical means such as fans or pumps to transfer energy; and

(3) Meets standards established by regulation by the Secretary of the State Office of Policy and Management.

C. Any person who desires to claim the exemption provided for in this section for any assessment year shall, on or before the first day of November in such assessment year, file with the Tax Assessor of the City of Middletown written application claiming such exemption on a form as prescribed by the Secretary of the State Office of Policy and Management. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such solar energy heating or cooling system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

§ 272-3. Exemption for solar energy electricity generating systems.
[Amended 10-2-1978; 9-7-1982 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).]

A. An exemption is hereby authorized for any solar energy electricity generating system installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977, and before October 1, 2006. This exemption shall only be applicable in the first 15 assessment years following the installation of such system.

B. As used in this section, the following terms shall have the meanings indicated:

SOLAR ENERGY ELECTRICITY GENERATING SYSTEM

Equipment which is designed, operated and installed as a system at any private residential location, which utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Secretary of the State Office of Policy and Management.

C. Any person who desires to claim the exemption provided in this section for any assessment year shall, on or before the first day of November in such assessment year, file with the Tax Assessor of the City of Middletown written application claiming such exemption on a form as prescribed by the Secretary of the State Office of Policy and Management. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such solar energy electricity generating system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

§ 272-4. Exemption for passive or hybrid solar energy systems.

[Added 12-3-1979; amended 9-7-1982 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).]

A. An exemption is hereby authorized for any building, the construction of which is commenced on or after April 20, 1977, and before October 1, 2006, which is equipped with a passive or hybrid solar energy heating or cooling system, or any building to which such a system is added on or after April 20, 1977, and before October 1, 2006, to the extent of any amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation at which such real property would be assessed if built using conventional construction techniques in lieu of construction related to such a system, as determined by the Tax Assessor, provided this exemption shall only apply to the first 15 assessment years following construction of such building or addition of any such system to a building. Any portion of a hybrid solar energy heating or cooling system which is allowed an exemption under § 272-2 shall not be eligible for exemption under this section.

B. The Secretary of the State Office of Policy and Management is authorized by statute to adopt regulations to define and set standards for passive and hybrid solar energy heating or cooling systems. Any such passive system shall include a solar energy heating or cooling system which utilizes the structural elements of a building to provide for the collection, storage or distribution of energy for water heating or space heating or cooling. Any such hybrid system shall include a solar energy heating or cooling system which consists of both active and passive elements. To qualify for the exemption provided by this section the systems must comply with such regulations.

C. Any person who desires to claim the exemption provided for in this section for any assessment year shall, on or before the first day of November in such assessment year, file with the Tax Assessor of the City of Middletown written application claiming such exemption on a form as prescribed by the Secretary of the State Office of Policy and Management. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such passive or hybrid solar energy heating or cooling system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

§ 272-5. Exemption for solar energy electricity generating systems and cogeneration systems.

[Added 9-7-1982; amended 1-6-2003 by Ord. No. 01-03]

A. Subject to the provisions of this section, an exemption is authorized for any solar energy electricity generating system which is not eligible for exemption under § 272-3, any cogeneration system, or both, installed on or after July 1, 1981, and before October 1, 2006. The system shall be exempt from taxation for the first 15 assessment years following the installation of the system. This exemption shall not apply to additions to resource recovery facilities operating on October 1, 1994, or to resource recovery facilities constructed on and after October 1, 1994.

B. As used in this section, the following terms shall have the meanings indicated:

COGENERATION SYSTEM

Equipment which is designed, operated and installed as a system which produces, in the same process, electricity and exhaust steam, waste steam, heat or other resultant thermal energy which is used for space or water heating or cooling, industrial, commercial, manufacturing or other useful purposes and which meets standards established by regulations adopted by the Secretary of the State Office of Policy and Management.

SOLAR ENERGY ELECTRICITY GENERATING SYSTEM

Equipment which is designed, operated and installed as a system which utilizes solar energy as the energy source for at least 75% of the electricity produced by the system and meets the standards established by regulation by the Secretary of the Office of Policy and Management.

C. The exemption is subject to the applicant entering into a written agreement with the City. The agreement may require the applicant to make payments to the City in lieu of taxes. The agreement may vary the amount of payments in lieu of taxes in each assessment year of the agreement, provided the payment in any assessment year is not greater than the taxes which would otherwise be due in the absence of the exemption. The exemption shall not be effective unless the agreement is approved by the Common Council.

D. Any person who desires to claim the exemption provided by this section and whose application has been approved in accordance with Subsection C shall, on or before the first day of November in such assessment year, file with the Tax Assessor of the City of Middletown written application claiming such exemption on a form as prescribed by the Secretary of the State Office of Policy and Management. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such solar energy electricity generating system or cogeneration system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

§ 272-7. Deferred increased assessment.
[Added 4-1-1991]

A. Purpose. Certain areas within the City of Middletown are in need of rehabilitation. Sections 12-65c through 12-65f of the Connecticut General Statutes, as amended, provide a method for the municipality to encourage property owners to rehabilitate their properties situated in those areas in need of rehabilitation by allowing the municipality to defer the increase to the property assessment due to such rehabilitation.

B. Designated rehabilitation area. The area within the City of Middletown to which the provisions of this section apply is described as follows:

(1) The Middletown North End/CBD Project Area is a parcel of land containing approximately 70+ acres, situated in the City of Middletown, Middlesex County, State of Connecticut. In general, the project is bordered to the south by Court Street, to the east by Connecticut Route 9, to the north by Connecticut Route 66/Route 17 and to the west by the rear property lines of the lots on the west side of Main Street. The project boundary is defined by the inside edge of the heavily dashed line as shown on the map titled "Project Boundary Map, North End/CBD Project Area, Urban Renewal Plan, City of Middletown, CT" by DeCarlo & Doll, Inc., scale one inch equals 100 feet, dated November 10, 1989 (Map Number 1).

(2) The southeastern corner of the project is a point projected to the intersection of the south street line of Court Street and the west street line of Connecticut Route 9 (Acheson Drive). From this point the project boundary runs approximately 3,000+ feet northward along the west street line of Connecticut Route 9 to the northeastern corner of the project. The northeastern corner of the project is located on that point which is the intersection of the west street line of Connecticut Route 9 and the northern street line of Route 17.

(3) From this point the project boundary runs westward along the northern street line of Connecticut Route 66/Route 17, along the north side of the off-ramp from the Arrigoni Bridge and projects across Spring Street. From this point the project boundary jogs southward along the property lines of the lots abutting the west side of Main Street ending at Court Street.

(4) The project boundary runs along the west property line of Lot 19 in Block 17-19, crosses the railroad tracks, to Block 17-272 and runs along the north property line of Lot 5 to Clinton Avenue, then south along the east street line of Clinton Avenue and then east along the south property line of Lot 5. The project boundary continues along the rear property lines of Lot 4 and Lot 3, then north, west and south property lines of Lot 2, to the rear property line of Lot 1, and projects across Grand Street to Block 17-35. In Block 17-35, the project boundary continues along the rear property line of Lot 7-6, the north, west and south property lines of Lot 5, the rear property lines of Lots 3A, 3B, 2 and 1 and projects across Liberty Street to Block 17-46. In Block 17-46, the project boundary runs westward along the south street line of Liberty Street to northeast corner of Mortimer Cemetery, then runs southward along the entire east property line of Mortimer Cemetery to the rear property lines of Lots 5, 4, and 3, along the rear and west property line of Lot 57 and then projects across Washington Street (Route 66) to Block 17-51. In Block 17-51, the project boundary runs southward along the rear (west) property lines of Lots 21, 22, 23 and 24A, along the north, west and south property line of Lot 25, along the rear property lines

of Lots 26, 272 and 29, along the south property line of Lot 29, southward along the rear property lines of Lots 30 and 32 and projects across Court Street to the southeastern corner of the project. The southeastern corner of the project is located on the south street line of Court Street at a point approximately 90+ feet west of the west street line of Main Street. From this point, the project boundary runs eastward along the south street line of Court Street, approximately 980+ feet to the southeast corner of the project.

(5) The provisions of this section shall also apply to such areas within the City of Middletown which the Common Council shall from time to time designate as rehabilitation areas in accordance with the provisions of C.G.S. §§ 12-65c through 12-65f, as amended.

C. Criteria for eligibility. To be eligible for the benefits provided by this section, an owner of property situated in the designated rehabilitation area must be willing to enter into a written agreement with the City of Middletown whereby the owner of such property agrees to rehabilitate the property in accordance with the standards set forth by the Design Review and Preservation Board for the rehabilitation of structures in established historic neighborhoods. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

D. Application procedure.

(1) Any owner of property situated within the designated rehabilitation area who seeks to take advantage of the benefits conferred by this section shall submit his application to the Redevelopment Agency of the City of Middletown on forms to be supplied by said Agency. Such application shall include a detailed presentation of the proposed rehabilitation and the owner's estimate as to time for completion of such rehabilitation. Said Redevelopment Agency shall review the application to make the following determinations:

(a) The property to be rehabilitated is situated in the designated rehabilitation area.

(b) The property to be rehabilitated is in need of rehabilitation.

(c) The plans for rehabilitation as submitted meet the eligibility criteria as set forth in Subsection C of this section.

(2) If the application satisfies all three requirements, the Redevelopment Agency shall certify to the Common Council of the City of Middletown that such application qualifies for the benefits conferred by this section and shall also set a date for the completion of the rehabilitation work. If the application fails to satisfy any or all of the requirements set forth above, the Redevelopment Agency shall forward the application to the Common Council without certification setting forth the reasons for such denial of certification.

(3) Following the review by the Redevelopment Agency, the application shall be forwarded to the Common Council, which shall either approve or reject the application; provided, however, that it shall take a simple majority of those members of the Common Council present and voting to overrule the certification or denial of certification of such application by the Redevelopment Agency.

(4) In the event of approval, the Common Council shall pass a resolution authorizing the Mayor of the City of Middletown to enter into the rehabilitation agreement with the owner of the property to be rehabilitated.

(5) Any person aggrieved by the action of the Common Council may appeal said action in accordance with C.G.S. § 12-65f, as amended.

E. Rehabilitation agreement.

(1) The rehabilitation agreement to be signed by the property owner and the Mayor on behalf of the City shall include a detailed plan of the rehabilitation work to be performed and shall fix the assessment of the property during the rehabilitation period as of the date of the agreement, but in no event shall the rehabilitation period exceed the period of three years.

(2) The rehabilitation agreement shall provide that upon completion of the rehabilitation in accordance with the terms of the agreement and upon certification by the Assistant Building Official as hereinafter set forth, the increase in the assessment of the property due to such rehabilitation shall be deferred in accordance with the following schedule:

(a) During the first two tax years following completion of said rehabilitation, the entire increase shall be deferred.

(b) During each tax year thereafter, 10% of the increase shall be added to the assessment until 100% of the increase shall be assessed.

(3) The rehabilitation agreement shall further provide that in the event a general revaluation of property is made by the City of Middletown in the year in which the rehabilitation is completed which results in any increase in the assessment of the rehabilitated property, only that portion of the increase attributable to such rehabilitation shall be deferred, and in the event that such a general revaluation of property is made in any year after the year in which the rehabilitation is completed, the deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

(4) The rehabilitation agreement shall provide that such rehabilitation shall be completed by the date fixed by the Redevelopment Agency, and in the event that on the date so fixed for completion the Assistant Building Official has denied certification that the rehabilitation has been performed in accordance with the criteria as set forth in Subsection C and in accordance with the terms of the rehabilitation agreement, the agreement shall terminate, and further the owner of the property shall be liable for any increase in taxes since the date of the agreement for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Redevelopment Agency for an extension of time in which to complete the rehabilitation, which, for good cause shown, the Redevelopment Agency may approve, but in no event shall such extension of time exceed the period of one year.

(5) The rehabilitation agreement shall further provide that the agreement is contingent upon the following conditions:

(a) In addition to the certification requirements of Subsection E(4), the property shall be subject to inspection and certification by the Assistant Building Official as being in conformance with such provisions of the State Building and Health Codes and local housing codes as may apply. Editor's Note: See Ch. 178, Housing Standards.

(b) The deferral of assessment shall continue only so long as the property remains in the state of rehabilitation as set forth in the agreement.

(c) The deferral of assessment shall cease upon the sale or transfer of the property unless the new owner of said property has given written assurance to the Common Council that he will abide by the terms of the rehabilitation agreement.

F. Miscellaneous provisions.

(1) Any certification by the Assistant Building Official required to be made by the provisions of this section shall be made to the Redevelopment Agency, and in the event the Assistant Building Official denies such certification he shall notify said Agency of such denial.

(2) The Assessor of the City of Middletown shall be notified of any agreement entered into under the provisions of this section and shall adjust his records accordingly.

(3) The Assistant Building Official shall forward a copy of his certification that the rehabilitation has been performed in accordance with the rehabilitation agreement to the Middletown Tax Assessor. In the event that the Assistant Building Official denies such certification, he shall send a copy of his denial to the Tax Assessor, who, after consulting with the Redevelopment Agency to determine that an extension of time to complete the rehabilitation has not been granted, shall readjust his tax records in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be filed with the Middletown City/Town Clerk for recording in the land records of the City of Middletown.

